



March 27, 2019

Constitutional Law Speaker Series: Mary Anne Franks, *The Cult of Free Speech*

Time: 12:00pm - 1:30pm

Location: Faculty Lounge

Dr. Mary Anne Franks, Professor of Law at the University of Miami School of Law, will be discussing *The Cult of Free Speech*, an excerpt from her forthcoming book *The Cult of the Constitution: Our Deadly Devotion to Guns and Free Speech* (Stanford Univ. Press, available May 14, 2019). The book is a critique of constitutional fundamentalism, defined as the tendency to elevate selective constitutional rights above all others in ways that benefit the most powerful members of society and undermine the integrity of the document as a whole.

This excerpt focuses on First Amendment fundamentalism. It assesses the historical influence of the ACLU in shaping political and social understandings of free speech and examines the rightward shift in contemporary First Amendment practice and application. The left-right First Amendment alliance has helped transform free speech doctrine from a shield protecting the most vulnerable to a sword wielded by the most privileged and powerful members of society. Liberal and conservative constitutionalist views have converged on topics ranging from revenge porn to commercial and corporate expression to campus speech. This convergence has deepened existing inequalities in the free speech and other constitutional rights of women and racial minorities.

Mary Anne Franks, Professor of Law, teaches criminal law, criminal procedure, First Amendment law, family law, and Law, Policy, and Technology. She is also the Vice-President and Legislative & Tech Policy Director of the Cyber Civil Rights Initiative, a nonprofit organization dedicated to combating online abuse and discrimination.

Professor Franks authored the first model criminal statute on a practice often referred to as "revenge porn," the unauthorized disclosure of private, sexually explicit images. Professor Franks helped draft the federal Intimate Privacy Protection Act, which introduced in Congress in July 2016 and re-introduced as the ENOUGH Act in November 2017. She is the reporter for the Uniform Law Commission's Committee on the Unauthorized Disclosure of Intimate Images and has advised both state and federal legislators in drafting legislation relating to online privacy violations, extortion, harassment, and threats. She also works with tech industry leaders, including Google, Facebook, Twitter, and Microsoft, on privacy and abuse issues.

Professor Franks is the author of *The Cult of the Constitution: Guns, Speech, and the Internet* (Stanford University Press, forthcoming 2018). Her legal scholarship has appeared in publications such as the *Harvard Law Review*, the *California Law Review*, and the *UCLA Law Review*. She has also authored numerous articles for the popular press, including the *Atlantic*, the *Guardian*, *TIME Magazine*, and the *Huffington Post*. Professor Franks has delivered over 70 lectures to a range of audiences in the U.S. and internationally, including law



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schools, domestic violence organizations, law firms, and tech companies.

Professor Franks holds a J.D. from Harvard Law School as well as doctorate and master's degrees from Oxford University, where she was a Rhodes Scholar. Before she began teaching at UM, Professor Franks was a Bigelow Fellow and Lecturer in Law at the University of Chicago Law School and taught social studies and philosophy at Harvard University. In 2013, she was a Visiting Professor at the University of Navarra in Pamplona, Spain.

Feedback